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U.S. DEPARTMENT OF ENERGY

memorandum

DATE: 1/10/79

By: [Signature]

cc
[Signature]

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REPLY TO
ATTN OF NE-301

SUBJECT Shpack Landfill, Norton, Massachusetts

TO R. J. Hart, Manager
Oak Ridge Operations Office

The attached memorandum from the Assistant Secretary for Environment designates the Shpack Landfill as a site for remedial action, assigning it the "highest priority" in the Formerly Utilized Manhattan Engineer District/Atomic Energy Commission Remedial Action Program (FUSRAP). Radiological surveys and analyses of samples have confirmed the presence of enriched uranium.

The appropriate Headquarters, Oak Ridge Operations Office, and contractor staff met on January 8 to discuss conditions at the site and the authority to perform remedial action. An interim report, with background and analysis information, was provided to J. Alexander of your office.

In view of the priority given this site, it is requested that you proceed to construct a fence adequate to prevent inadvertent entry to the areas of the site contaminated with uranium. The property owner's agreement to construct the fence should be obtained. Obtaining permission from the present owner, Mrs. Shpack, to construct a fence may be difficult. Mrs. Shpack has previously indicated that she will not allow fence construction. Her preference would be for the Department, or someone, to purchase the entire property including the landfill and the house. She also objected to leasing the landfill portion of the property for this reason. If Mrs. Shpack's permission cannot be obtained by early March, we will consider proceeding then with a court action to permit fence construction in April or May when the ground has thawed. We have been advised by the General Counsel's office that we might obtain a court order permitting access for fence construction or other remedial action based on the existing finding by the Assistant Secretary for Environment that a potential health hazard exists. The near-term contacts with the present owner, Mrs. Shpack, and with the State and local officials should be coordinated with Mr. Herbert Fish, the regional representative for the Assistant Secretary for Environment, who has had previous contacts with Mrs. Shpack and officials in Norton.

I believe you should also proceed with obtaining a leasehold appraisal of the landfill property in preparation for possible leasing by the Department for the purpose of accomplishing remedial action. It may be preferable to lease the property, if possible, even in order to construct the fence, rather than proceed with a court action.

We do not believe that purchase of the property is warranted at this time. I understand that the Director of Administration, who must approve property leasing and acquisitions, has agreed to a one-year lease of the landfill

portion of the site at a rent not to exceed \$4,800, should a lease become necessary and feasible. He has not agreed to purchase of the landfill portion of the site because it is not designated as a safety hazard or safe-guards problem, a remedial action plan requiring acquisition has not been prepared, and no appraisal has been done. He has indicated that he would not agree for the Department to purchase the house in any case because it is not contaminated and acquisition of the house is not necessary to accomplish the remedial action at the landfill.

We have also been informed by Mr. Fish that the Texas Instruments Corporation has indicated that it might be willing to grant funds to the City of Norton, Massachusetts, for purchase of the landfill portion of the site from Mrs. Shpack. As part of the Texas Instruments plan, a private individual would simultaneously purchase the house. The City of Norton would then give the Department the right of entry for fencing, additional surveys, and remedial action on the landfill. We feel that the success of such efforts would be in the Department's best interest by obviating the possible need for a court action as a last resort to obtain right of entry.

The attached memorandum from the Assistant Secretary for Environment states that additional radiological studies must be conducted by the Environmental and Safety Engineering Division. We have requested that these survey results be provided to us and other affected offices as they become known. We understand the survey studies are to be completed in the summer of 1981. Accordingly, your office should plan to begin the preliminary engineering study of remedial action options in the first quarter of FY 1982.

Original signed by
SHELDON MEYERS

Sheldon Meyers
Deputy Assistant Secretary
for Nuclear Waste Management
Office of Nuclear Energy

Attachment

cc:
G. W. Cunningham, NE-1
R. Clusen, EV-1
W. Heffelfinger, AD-1

bcc:
E. L. Keller, OR
W. Mott, EV
D. Barth, AD
S. Miller, GC
H. Fish, Region II

Distribution:
Subject
NE-30 (4)
NE-301
EGD Rdr
R. Romatowski, NE-30

NE-301:EGDeLaney:hsy:353-5272:01-27-81 (WP #81-21)

Correspondence reviewer: _____

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Designation for Remedial Action of the Shpack Landfill, Norton, Massachusetts

George W. Cunningham
Assistant Secretary for Nuclear Energy (NE-1)

As you are aware, we have been conducting radiological surveys at the Shpack Landfill in Norton, Massachusetts, since July 1979. Preliminary data from soil and water samples and miscellaneous materials analyzed during the course of our studies have now confirmed the presence of uranium of various enrichments in uranium-235. Furthermore, in some spots on the site, radiation levels exceeding those of present guidelines for unrestricted sites have been recorded. The site, in its present condition at this time of year, does not represent a health hazard. However, it is clear that if the material is scattered about or removed by unauthorized parties, it possibly could become a health hazard and certainly have an adverse effect on the extent and cost of subsequent remedial activities.

Accordingly, even though the Environmental and Safety Engineering Division must conduct additional radiological studies at the Shpack Landfill, I have decided to designate it for remedial action at this time. I consider that because of the nature of the contamination it should have the highest priority of any site in the program. In addition, it is suggested that as an interim measure a security-type fence be constructed around the contaminated area of the Landfill to preclude entry to the property or disturbance of the radioactive materials thereon.

It is our understanding that the Office of General Counsel has determined that the Department has the authority to perform remedial action at the Shpack Landfill site which includes the acquisition and removal or the stabilization of any radioactive material derived from former Manhattan Engineer District/Atomic Energy Commission operations, if such action is required to protect the public health and safety. Our analyses to date suggest there can be little doubt but that the materials were derived from Manhattan Engineer District/Atomic Energy Commission activities.

The Environmental and Safety Engineering Division is now preparing for your use an interim report on the analyses already performed. In the meantime, the Division is prepared to brief your staff on the status of conditions at the site at the earliest possible time.

Signed by Ruth C. Clusen

Ruth C. Clusen
Assistant Secretary for Environment

cc: S. Greenleaf, GC-34
J. Tinney, EP-32